

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILED

AT ... O'CLOCK

DEC 21 1979

ORDER OF VACATION

IN THE MATTER OF VACATION OF STREET AND ALLEY

ORDER NO. 79-10-10-8

BY *[Signature]* DEPUTY

THIS MATTER coming for hearing this 5th day of December, 1979, at 1:30 o'clock p.m. upon the petition of JOHN M. KELLY and PAULINE KELLY for vacation of the street and alley described as follows:

1. STREET: All of Fourth Street lying south of Highway #36 and between Blocks 4 and 5, NORWOOD PLAT TO SWISSHOME, as platted and recorded in Lane County, Oregon.
2. ALLEY: That portion of the alley running north and south through the middle of Block 10, NORWOOD PLAT TO SWISSHOME, as platted and recorded in Lane County, Oregon, lying north of a line connecting the north boundary line of Lots 5 and 18 in said Block 10 and running thence north to the south boundary of Alder Street.

EXCEPT the rights of existing easement holders as follows:

- 1) The right-of-way permit for power lines as set forth in instrument recorded November 17, 1938, in Book 196, Page 428, Lane County Oregon Deed Records; and
- 2) The easements for electric power lines in favor of West Coast Power Co. recorded November 17, 1938, on Recorder's Reception Nos. 66006, 66009 and 66013, Lane County Oregon Official Records, shall not be affected by this vacation; and
- 3) The right to draw domestic water from the well on Block 4 and the use of the pump situated thereon evidenced by Special Warranty Deed recorded January 20, 1978, as Instrument No. 7804703, shall not be affected by this vacation.

WHEREAS, said petition has been on file for a period of more than 30 days, and

WHEREAS, it was ordered that a hearing be held on the described petition on the 21st day of November, 1979, at 1:30 o'clock p.m., and said hearing was continued until the 5th day of December, 1979, at 1:30

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o'clock p.m., and such hearing was held as ordered and no opposition was made to the petition, and

WHEREAS, it appears from the described petition that the duly acknowledged consent of all persons owning property immediately adjoining the described street and alley has been obtained in writing, and

WHEREAS, proof of proper posting of notice of the pendency of the described petition for the vacation of the street and alley described herein is on file herein now, therefore, in accordance with the provisions of ORS Ch 271, it is hereby

ORDERED that the above-described petition be granted in whole and that the above-described street and alley is hereby vacated, excepting therefrom the rights of the existing easement holders as follows:

1. The right-of-way permit for power lines as set forth in instrument recorded November 17, 1938, in Book 196, Page 428, Lane County Oregon Deed Records; and
2. The easements for electric power lines in favor of West Coast Power Co. recorded November 17, 1938, on Recorder's Reception Nos. 66006, 66009 and 66013, Lane County Oregon Official Records,

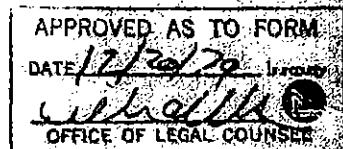
shall not be affected by this vacation; and
3. The right to draw domestic water from the well on Block 4 and the use of the pump situated thereon evidenced by Special Warranty Deed recorded January 20, 1978, as Instrument No. 7804703,

shall not be affected by this vacation.

Dated this 5th day of December, 1979.

James L. Furrer

Chairman, Lane County Board of
Commissioners



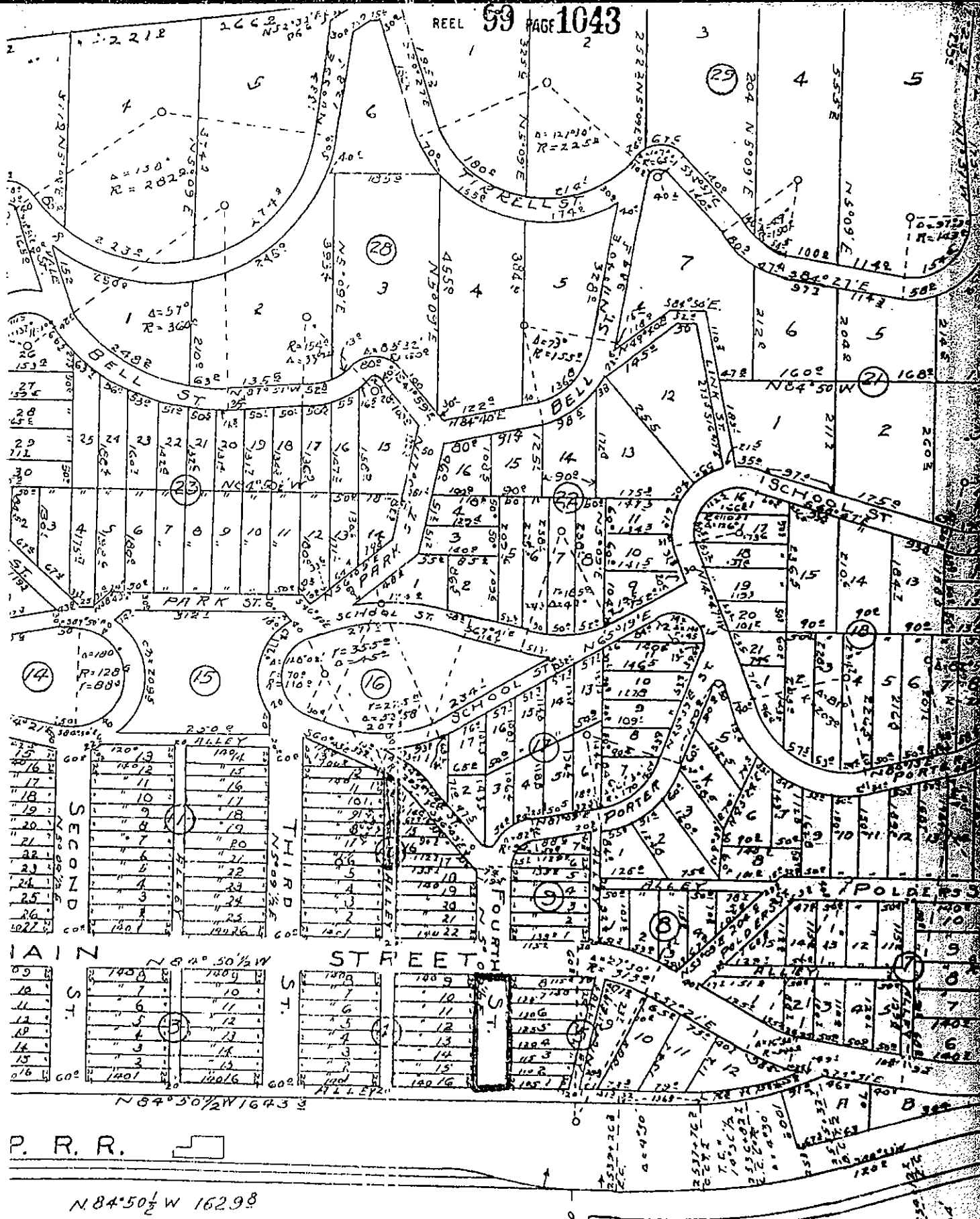
CONSENT TO VACATION OF STREET AND ALLEY

The undersigned, JOHN A. BETTGER and TEDRE A. BETTGER, husband and wife, hereby consent to the vacation of street and alley as applied for by JOHN M. KELLY and PAULINE KELLY provided that said vacation does not interfere with our easement for an existing pipeline crossing Fourth Street.

DATED this 12 day of November, 1979.

John A. Bettger
John A. Bettger

Tedre A. Bettger
Tedre A. Bettger



MAIN ST. $N 84^{\circ} 50 \frac{1}{2} W$

9	1458	1809
10	7	10
11	6	11
12	5	12
13	4	13
14	3	14
15	2	15
16	1	16

THIRD ST. $N 50^{\circ} 36' E$

1	1458	1809
2	7	10
3	6	11
4	5	12
5	4	13
6	3	14
7	2	15
8	1	16

FOURTH ST. $N 50^{\circ} 36' E$

1	1458	1809
2	7	10
3	6	11
4	5	12
5	4	13
6	3	14
7	2	15
8	1	16

FIFTH ST. $N 50^{\circ} 36' E$

1	1458	1809
2	7	10
3	6	11
4	5	12
5	4	13
6	3	14
7	2	15
8	1	16

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LANE COUNTY, OREGON

IN THE MATTER OF VACATION)
)
 OF) AFFIDAVIT OF POSTING
)
 STREET AND ALLEY,)

STATE OF OREGON)
) ss.
 County of Lane)

I, JOHN KELLY, being first duly sworn, do hereby depose and say: That on the 22nd day of October, 1979, I posted copies of the Order and Notice for Hearing Number 79-10-10-8, which was signed by Commissioner Freeman and filed in Lane County, Oregon, on October 12, 1979, a copy of such order is attached hereto, marked Exhibit "A" and incorporated herein by this reference, in three conspicuous places in a platted acreage known as Plat of Norwood in the unincorporated city of Swisshome, Lane County, Oregon, as follows:

1. IN FRONT OF SWISSHOME TELEPHONE Booth
2. IN FRONT OF FIRE DEPTO HALL
3. BY DOOR OF GROCERY STORE

John Kelly
John Kelly

SUBSCRIBED AND SWORN to before me this 23rd day of October, 1979.

Notary Public for Oregon
My Commission Expires: 6-26-83